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SEP 27 2004

**Fax Transmittal Sheet**

RECIPIENT	COMPANY	FAX	PHONE
Nancy T. Vogel	Patent Office	703-872-9306	

FROM	Lisa A. Walsh	NUMBER OF PAGES	9
DATE	September 27, 2004	CLIENT NUMBER	2003320-0032
PHONE	617-248-4803	OPERATOR	TIME SENT

**COMMENTS** Dear Ms. Vogel,

Per our telephone conversation of September 27, 2004, please find enclosed a copy of the IDS that was filed on February 10, 2003 in regards to Serial Number 09/910,354. Thank you very much for your time and attention to this matter.

Lisa A. Walsh

RETURN BY Inter-office Mail Hold for pick-up

This transmittal is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this transmittal is not the intended recipient, or the employee or agent responsible for delivering the transmittal to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately.

**ATTORNEY'S DOCKET NUMBER: 0079571-0073 (BU0064)**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Jarrell, et al. Examiner:  
Serial Number: 09/910,354 Art Unit:  
Filed: July 20, 2001  
For: MODULAR VECTOR SYSTEMS

Assistant Commissioner For Patents  
Washington, DC 20231

Sir:


**TRANSMITTAL LETTER**

Enclosed are the following documents:

1. Form PTO-1449 (2 pages);
2. Supplemental Information Disclosure Statement (4 pages);
3. Cited Art (13); and
4. Return Postcard

If any additional fees are required to be paid or if any overpayment has been made, please charge same to Deposit Account No. 03-1721.

Respectfully submitted,

  
Brenda Herschbach Jarrell, Ph.D.  
Registration No. 39,223

Choate, Hall & Stewart  
Exchange Place  
53 State Street  
Boston, MA 02109  
(617) 248-5000

Dated: 2/7/03

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231

on 02-10-03

Landra Saccoccia

**ATTORNEY DOCKET NUMBER 0079571-0073(BU0064)****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Jarrell, et al.  
Appl. No: 09/910,354  
Filed: July 20, 2001  
For: MODULAR VECTOR SYSTEMS

Examiner:  
Art Unit:

RECEIVED  
CENTRAL FAX CENTER

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

SEP 27 2004

Sir:

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants request consideration of this Supplemental Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

(Select A, B or C below)

A. ☒ This Supplemental Information Disclosure Statement has been filed

(check 1, 2 and/or 3 below)

1. ☐ within three months of the filing date of the above identified U.S. Patent application.
2. ☐ within three months of the filing date of the entry of the National Stage, as set forth in 37 C.F.R. §1.491, in an International application.
3. ☒ before the mailing date of the first Office Action on the merits in the above-identified application.

No fee or certification is required.

B. ☐ This Supplemental Information Disclosure Statement has been filed more than three months after the filing date of the present application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311.

(check 1 or 2 below)

1. ☐ The fee of \$180 as set forth in 37 C.F.R. §1.17(p) is enclosed.
2. ☐ The Applicants hereby certify, as specified in 37 C.F.R. §1.97(e), that

(check a or b below)

- a. ☐ each item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.
- b. ☐ no item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.
- c. ☐ items indicated by an asterisk were identified in a recent review of related files.

C. ☐ This Supplemental Information Disclosure Statement has been filed after the mailing date of either a Final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311 and before payment of an Issue Fee.

(check a or b below)

1. The Applicants hereby certify, as specified in 37 C.F.R. §1.97(e), that:
  - a. ☐ each item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.

- b. ☐ no item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.

PART II - Information Cited

☒ A. Applicants hereby make of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

☐ B. The Applicants hereby make the following additional information of record in the above-identified application:

☐ PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The following are remarks concerning the other information cited:

PART IV: Remarks

A copy of each of the above-identified U.S. and foreign patent(s) and publication(s) is enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and

3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

By submitting this Supplemental Information Disclosure Statement, Applicants make no representation that a search has been performed, of the extent of any search performed, or that more material information may not exist.

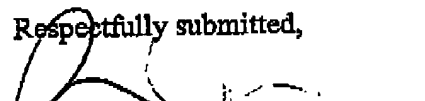
By submitting this Supplemental Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Supplemental Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

An early and favorable action is hereby requested.

Respectfully submitted,

  
Brenda Herschbach Jarrell, Ph.D.  
Registration No. 39,223

CHOATE, HALL & STEWART  
Exchange Place  
53 State Street  
Boston, Massachusetts 02109  
(617) 248-5000  
Dated: 2/11/03  
3404976

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231  
on 2-16-03  
Sandra Saccoccia

Form PTO-1449

U. Department of  
Commerce  
Patent and Trademark OfficeApp. Doc' No.  
0079571-00/3  
(BU0064)

09/910,354

(REV. 8-83)

## INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Applicant: Jarrell, et al.

Filing Date:  
July 20, 2001

Group:

## U.S. PATENT DOCUMENTS

Examiner's Initials	U.S. Patent No.	Applicant	Issue Date	Class	Subclass

## U.S. PATENT APPLICATIONS

Examiner's Initials:	Serial Number:	Applicant:	Filing Date:	Group:	Art Unit:

## FOREIGN PATENT DOCUMENTS

Examiner's Initials	Document No.	Country	Date	Translation	
				Yes	No
	WO 00/40715	PCT	13 July 2000		
	WO 00/36088	PCT	22 June 2000		
	WO 00/09734	PCT	24 February 2000		
	WO 98/40519	PCT	17 September 1998		
	WO 98/38326	PCT	03 September 1998		
	WO 97/28282	PCT	07 August 1997		
	WO 95/07351	PCT	16 March 1995		
	WO 92/14819	PCT	03 September 1992		

## OTHER DOCUMENTS

Examiner's Initials	Citation (Including Author, Title, Date, Pertinent Pages, Etc.)
	Coljee, et al., "Seamless Gene Engineering Using RNA-and DNA-Overhang Cloning", <i>Nature Biotechnology</i> , 18: 789-791, 2000.
	Gál, et al., "Directional Cloning of Native PCR Products with Preformed Sticky Ends (Autosticky PCR)", <i>Mol. Gen. Genet.</i> 260:569-573, 1999.
	Lebedenko, et al., "Method of Artificial DNA Splicing by Directed Ligation (SDL)", <i>Nucleic Acids Research</i> , 19(24): 6757-6761, 1991.
	Padgett, et al., "Creating Seamless Junctions Independent of Restriction Sites in PCR Cloning", <i>Gene</i> , 168:31-35, 1996.
	International Search Report issued for corresponding PCT application PCT/US01/22836.

SEP. 27. 2004-10:20AM		CHOATE HALL & STEWART 6172484000		NO. 075, App. 8	
Form PTO-1449		U. Department of Commerce Patent and Trademark Office		App. No. 0079571-00/3 (BU0064)	
(REV. 8-83)				09/910,354	
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				Applicant: Jarrell, et al.	
				Filing Date: July 20, 2001	
EXAMINER				DATE CONSIDERED	
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					

3426989



February 10, 2003

The Patent and Trademark Office stamping  
sets forth filing and receipt date  
(or both the receipt date and the Application Number)  
of a Information Disclosure Statement identified as follows:

Applicant: Jarrell, et al.  
Serial No.: 09/910,354  
Filed: July 20, 2001  
For: MODULAR VECTOR SYSTEMS

1. Form PTO-1449 (2 pages);
2. Supplemental Information Disclosure Statement (4 pages);
3. Cited Art (13 documents); and
4. Return Postcard

Attorney: BHJ/LAW

Case No. 0079571-0073 (BU0064)

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